IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO. 173 OF 1999
In
SPECIAL CIVIL APPLICATION NO. 1546 OF 1998
With
CIVIL APPLICATION NO. 953 OF 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TALUKA DEVELOPMENT OFFICER & ANR – Appellant (s)

Versus

KANUBHAI NANUBHAI DHOBI - Respondent(s)

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Appearance :

MR. SUNIL S. JOSHI for Appellants

MR. K.S. ACHARYA for Respondent

MR. B.M. MANGUKIYA for Respondent

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CORAM :HONOURABLE MR.JUSTICE R.S.GARG &
HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 29/06/2005

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. Learned Counsel for the appellants submits that the learned single Judge was unjustified in not appreciating that the respondent-workman was employed in the relief operation work and as such, an order for reinstatement could not have been made in his favour.

2. It appears that despite service of proper notice, the appellants did not appear before the Labour Court and no such contention relating to the relief operation employment was raised before the learned single Judge. Even before this Court, no such document has been filed, but, at the time of arguments, the learned Counsel for the appellants submitted that he has in his possession the documents from which it would appear that the respondent was employed in the relief operation work. In our opinion, such documents cannot be allowed to be produced in a manner like this. If the appellants

wanted to rely upon certain documents, they should have filed the same before the learned single Judge and if they have missed the bus at that stage, they cannot be allowed to board it at a subsequent or later station. The learned single Judge was absolutely justified in holding that the appellants could not make out a case for interference. The appeal is dismissed.

3. As a consequence of the dismissal of the appeal, Civil Application No.953 of 1999 is also rejected. Notice is discharged. Interim relief granted earlier shall stand vacated.

[***R.S.Garg, J.***]

[***Ravi R.Tripathi, J.***]

*kamlesh**